

## **Alternative Compliance (AC) vs. DCFS Policy Waiver**

**“Alternative Compliance”** is defined as a request for approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a regulation promulgated under the Child Welfare Agency Licensing Act. The licensee must demonstrate substantial compliance with the intent of the regulation. A licensed agency, facility or applicant for a license may appear before the Board to request permission to use an alternative means of meeting the intent of any particular licensing regulation/standard. *Alternative compliances may be: specific to a person or situation, time limited, or a standing approval.* This includes, but is not limited to, regulations governing background checks and convictions for prohibited offenses.

Regardless of the recommendation of the Licensing Unit, the agency has the right to request any Alternative Compliance and have it presented to the Board, and the Board will vote after hearing the proposal and the recommendation of the Licensing Unit.

The Child Welfare Agency Review Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding Alternative Compliance requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board. This is considered a Temporary Alternative Compliance.

Temporary Alternative Compliance requests must be approved by the DCFS Director first.

**“Policy Waiver”** is defined as a request to deviate from the letter of the DCFS Policy, and procedures or standards. The DCFS Director approves all policy waiver requests.

Traffic violations, other than DUI or DWI, do not require a policy waiver or alternative compliance as they are dealt with through the vehicle safety program.

The procedures for requesting a Policy Waiver or an Alternative Compliance are the same, up until the point when the request is given to the Assistant Director of Community Services, or designee.

### **The procedures are as follows:**

The FSW will determine if a Policy Waiver or Alternative Compliance should be requested based on their professional judgment. Issues to take into consideration on criminal convictions would include the time frame and circumstances of the offense. When an Alternative Compliance is requested for an excluded criminal offense, the police report and any other reports regarding any criminal charges or convictions must be attached as documentation.

If approval is recommended, the FSW will request a Policy Waiver or an Alternative Compliance using the CFS-509B and attaching all appropriate supporting documentation, as applicable:

- Three personal references
- Current home study

- Copy of the Central Registry Check, criminal background check and/or FBI check resulting in a hit.

The Supervisor will determine if the requested Policy Waiver or Alternative Compliance is appropriate for approval. Issues to take into consideration would include the time frame and circumstances of the offense.

- If approved, the Supervisor will send it to the Area Director;
- If denied, the Supervisor will notify the FSW and the family.

The Area Director will determine if the requested Policy Waiver or Alternative Compliance is appropriate for approval. Issues to take into consideration would include the time frame and circumstances of the offense.

- If approved, the Area Director will send it to the Assistant Director of Community Services, or designee
- If denied, the Area Director will return it to the Supervisor.
- If denied, the Supervisor will notify the FSW and the family.

At this point, the procedures for requesting a policy waiver differ from the procedures for requesting an alternative compliance. The Assistant Director for Community Services will determine if the requested Policy Waiver or Alternative Compliance should be approved or denied.

## **Policy Waivers**

When a Policy Waiver has been requested, the Assistant Director of Community Services, or designee, will:

- Deny any inappropriate request for a Policy Waiver and return it to the Area Director; or
- Approve an appropriate request for a Policy Waiver and send to the DCFS Director for final approval or denial.
- The Director's final decision will be conveyed to the FSW for appropriate action. The following requires a Policy Waiver:

Misdemeanor hot check or shoplifting;

Driving under the influence (DUI) or Driving while intoxicated (DWI)

Any misdemeanor that appears on a background check; or

Any DCFS Policy.

## **Alternative Compliance**

When an Alternative Compliance has been requested, the Assistant Director of Community Services, or designee, will:

- Deny any inappropriate request for an Alternative Compliance and return it to the Area Director; or
- Approve an appropriate request for an Alternative Compliance and send it to the DCFS Director.

The DCFS Director will:

- Deny any inappropriate request for an Alternative Compliance and return the request to the Assistant Director of Community Services, or designee, or
- Approve the request and send it to the PRLU Manager.

The PRLU Manager will:

- Deny any inappropriate request for an Alternative Compliance; or
- Approve the request and place it on the agenda of the next scheduled meeting of the Child Welfare Agency Review Board (CWARB).

The Foster or Adoptive Parent and FSW/Resource Worker who made the original request for an Alternative Compliance will appear before the CWARB to answer questions.

The CWARB will give final approval or denial of the request for the Alternative Compliance.

A Placement and Residential Licensing Specialist will monitor DCFS for continued compliance with CWAL standards and issue a corrective action notice if any deficiencies are found. The notice will state the agreement regarding the corrective action and a reasonable time frame for the violation to be corrected.